REMARKS

Applicant has reviewed the Final Office Action mailed on March 16, 2006 as well as the art cited. Claims 1-64 are pending in this application. Applicant requests that this amendment be entered because it is a clarification of the arguments previously presented in response to the office action mailed on Sept. 9, 2005. In particular, this response clarifies Applicant's definition of a "relative" time reference as claimed.

Summary of Examiner Interview

The Applicants' representatives, David Fogg (Registration Number 35,138) and Jay Wahlquist (Registration Number 55,705) thank Examiner Wang for the opportunity to discuss aspects of this case in a personal interview on May 11, 2006.

The pending claims were discussed with respect to the Examiner's rejection of these claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). During the interview, the Applicant's representatives discussed the definition of a relative time reference as used in the present application and claims. Further, the Applicant's representatives discussed the difference between the definition of a relative time reference as used and a time reference used in the cited art.

The Applicant's representatives believe that the substance and scope of the personal interview of May 11, 2006 is accurately captured in the summary above and the arguments below.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 28, 29 and 59 were rejected under 35 USC § 102(b) as being anticipated by O'Reilly et al., (U.S. Patent No. 5,551,025). Applicant respectfully traverses this rejection.

Claim 1 is directed to a method of collecting system statistics in a telecommunications device. The method comprises generating a sequence of time intervals from a relative time reference; gathering system statistics on a telecommunications device over the duration of each

time interval; and storing a summarized record of the telecommunications device system
statistics for the time interval at the conclusion of each selected time interval.

As discussed in the personal interview on May 11, 2006, a "relative time reference" as
claimed in claim 1 is defined as a time reference that is "not tied to chronological time in the
collection of system statistics" and "is specifically not updated when any communications device
or system associated absolute time references are changed." Detailed Description, Paragraph 24.
An "absolute" or "chronological" time reference as used in the present application is a time
reference which is "updated or changed during system operation." Paragraph 6. The reasons for
the update or change of an "absolute" time reference include "daylight savings time, time
reference drift correction, or system time synchronization across a network or across multiple
devices." *Id.*

The Examiner refers to "specific time intervals" discussed in O'Reilly and states that "it
is inherent that the specific time interval is generated from a relative time reference." OA dated
3/16/2006 Para. 4. However, as discussed in the personal interview, nothing in O'Reilly teaches
or suggests "generating a sequence of time intervals from a ***relative time reference,***" where the
relative time reference is defined as discussed above. In fact, nothing in O'Reilly teaches or
suggests a time reference other than an "absolute" or "chronological" time reference as defined
above. O'Reilly, therefore, does not teach or suggest all the claimed limitations of claim 1.
Applicant respectfully requests that the rejection be withdrawn.

Claim 2 depends directly from claim 1 and, thus, is allowable for at least the reasons
stated above with respect to claim 1. Applicant requests, therefore, that the rejection be
withdrawn.

Claim 28 is directed to a telecommunications device. The telecommunications device
comprises at least one communication link interface; a relative time reference clock; a system
statistics monitor, wherein the system statistics monitor gathers and stores statistics on the
operation of the telecommunications device and the at least one communication link interface
over the duration of a sequence of selected time intervals as defined by the relative time reference
clock.

As discussed above, "a relative time reference clock," as claimed in claim 28, is defined as a time reference that is "not tied to chronological time in the collection of system statistics" and "is specifically not updated when any communications device or system associated absolute time references are changed." Detailed Description, Paragraph 24. Nothing in O'Reilly teaches or suggests "a relative time reference clock" as defined above. Therefore, claim 28 is not anticipated by O'Reilly and Applicant requests that the rejection be withdrawn.

Claim 29 depends directly from claim 28 and, thus, is allowable for at least the reasons stated above with respect to claim 28. Applicant, therefore, requests that the rejection be withdrawn.

Claim 59 is directed to a performance statistics monitor method in a telecommunications device having at least one communication link interface, a relative time reference clock, and a performance statistics monitor. The performance statistics monitor method comprises generating a sequence of time intervals from a relative time reference; gathering performance statistics on a telecommunications device over the duration of each time interval; and storing a summarized record of the telecommunications device performance statistics for the time interval at the conclusion of each selected time interval.

Nothing in O'Reilly teaches or suggests "generating a sequence of time intervals from a *relative time reference*." As discussed above, a "relative time reference" is defined as a time reference that is "not tied to chronological time in the collection of system statistics" and "is specifically not updated when any communications device or system associated absolute time references are changed." Detailed Description, Paragraph 24. Claim 59, therefore, is not anticipated by O'Reilly and Applicant requests that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 11, 12, 37, and 38 were rejected under 35 USC § 103(a) as being unpatentable over O'Reilly et al. (U.S. Patent No. 5,551,025) in view of Henderson (U.S. Patent No. 6,647,109).

Claim 11 is directed to a method of collecting statistics in a G.SHDSL compatible device. The method comprises generating a sequence of time intervals from a relative time reference, gathering performance statistics on a G.SHDSL compatible device over the duration of each time interval, and storing a summarized record of the G.SHDSL compatible device performance statistics for the time interval at the conclusion of each selected time interval.

Claim 11 includes the limitation "generating a sequence of time intervals from a *relative time reference*." A relative time reference, as described above, is a time reference that is "not tied to chronological time in the collection of system statistics" and "is specifically not updated when any communications device or system associated absolute time references are changed." Detailed Description, Paragraph 24. Nothing in O'Reilly nor Henderson, taken alone or together, teaches or suggests "generating a sequence of time intervals from *a relative time reference*" as described. Claim 11, therefore, is not obvious and Applicant requests that the rejection be withdrawn.

Claim 12 depends directly from claim 11 and, thus, is allowable for at least the reasons stated above with respect to claim 11. Applicant requests, therefore, that the rejection be withdrawn.

Claim 37 is directed to a G.SHDSL communications device. The communications device comprises at least one communication link interface, a relative time reference clock, a performance statistics monitor, wherein the performance statistics monitor gathers and stores performance statistics on the operation of the G.SHDSL communications device and the at least one communication link interface over the duration of a sequence of selected time intervals as defined by the relative time reference clock.

Claim 37 includes "a relative time reference clock". A relative time reference clock, as described above, is a time reference that is "not tied to chronological time in the collection of system statistics" and "is specifically not updated when any communications device or system associated absolute time references are changed." Detailed Description, Paragraph 24. Nothing in O'Reilly nor Henderson, taken alone or together, teaches or suggests "a relative time reference

clock", as described. Claim 37, therefore, is not obvious and Applicant requests that the rejection be withdrawn.

Claim 38 depends directly from claim 37 and, thus, is allowable for at least the reasons stated above with respect to claim 37. Applicant requests, therefore, that the rejection be withdrawn.

Claim 53 is rejected under 35 USC § 103(a) as being unpatentable over O'Reilly et al. (U.S. Patent No. 5,551,025) in view of Langberg (U.S. Patent No. 5,852,630).

Claim 53 is directed to a machine-usable medium having machine readable instructions stored thereon for execution by a processor of a telecommunications device to perform a method. The method comprises generating a sequence of time intervals from a relative time reference, gathering performance statistics on a telecommunications device over the duration of each time interval, and storing a summarized record of the telecommunications device performance statistics for the time interval at the conclusion of each selected time interval.

Claim 53 includes the limitation "generating a sequence of time intervals from a relative time reference". A relative time reference, as described above, is a time reference that is "not tied to chronological time in the collection of system statistics" and "is specifically not updated when any communications device or system associated absolute time references are changed." Detailed Description, Paragraph 24. Nothing in O'Reilly nor Langberg, taken alone or together, teaches or suggests "generating a sequence of time intervals from *a relative time reference*". Claim 53 is, therefore, not obvious and Applicant requests that the rejection be withdrawn.

Allowable Subject Matter

Claims 3-10, 13-21, 30-36, 39-45, 54-58, and 60-64 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication that claims 22-27 and 46-52 are in condition for allowance.

AMENDMENT AND RESPONSE

Serial No.: 10/008,465

Filing Date: 11/9/2001

Title: NON-CHRONOLOGICAL SYSTEM STATISTICS

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Attorney Docket No. 100.342US01

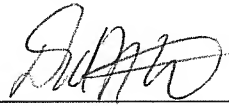## CONCLUSION

Applicant respectfully submits that claims **1-64** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 455-0610.

Respectfully submitted,

Date: _May 26, 2006_

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